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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,273	02/20/2004	Jeremy A. Fogg	GEN10 P-455	7606

28469 7590 04/17/2006

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EXAMINER

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ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 04/17/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/783,273
Filing Date: February 20, 2004
Appellant(s): FOGG ET AL.

James E. Shultz Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 7, 2006 appealing from the Office action mailed August 31, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,124,549	MICHAELS ET AL	6-1992
6,429,594	STAM ET AL	8-2002
5,708,410	BLANK ET AL	1-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 3, 4, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Michaels et al. US 5,124,549.

Regarding Claims 1 and 20, Michaels et al. teach (see Fig. 1,3,4) an automatic vehicle exterior light/vehicle equipment control system comprising an attachment member (46) and carrier/baffle (22, 48) configured to secure an imager board (24, 34) within approximately 5 degrees and -5 degrees of a desired image sensor optical axis (see Col. 5, lines 54-61), the attachment member and the carrier cooperating to define an actual image sensor optical axis (see Fig. 1).

Regarding Claims 3 and 4, Michaels et al. teach the imager board vertically and horizontally aligned within 5 and -5 degrees of a desired image sensor optical axis (see Col. 5, lines 54-61).

2. Claims 6, 7, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaels et al.

Regarding Claims 6, 7, 21, and 22, Michaels et al. teach the system in Claims 1 and 20, according to the appropriate paragraph above. Regarding Claims 6 and 21, Michaels et al. also teach the image sensor and an image sensor control logic (see Col. 6, lines 47-50) are integrated in a board (24) (see Col. 6, lines 47-50). Regarding Claim 22, Michaels et al. teach (see Fig. 3,4) a shim (30) positioned at least partially between the attachment member and the carrier to define a second image sensor optical axis (using lens (32)). Michaels et al. do not teach the board as a common application specific integrated chip. It is well known in the art to provide electronic components on a

common application specific integrated chip (ASIC) and a common silicon wafer, to utilize common manufacturing methods to assemble the electronics. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a common application specific integrated chip and a common silicon wafer for the board in the system of Michaels et al., to lower production costs and reduce design complication by using common manufacturing techniques.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michaels et al. in view of Stam et al. US 6,429,594.

Regarding Claim 2, Michaels et al. teach the system in Claim 1, according to the appropriate paragraph above. Michaels et al. do not teach the control system is configured to self calibrate an image area of an image sensor to compensate for minor image sensor misalignment. Stam et al. teach a similar system, with a control system is configured to self calibrate an image area of an image sensor to compensate for minor image sensor misalignment (see Col. 28, lines 3-7, 46-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the control system configured to self calibrate an image area of an image sensor to compensate for minor image sensor misalignment, as taught by Stam et al. in the system of Michaels et al., to increase accuracy and compensate for small angle aiming variations, as taught by Stam et al. (see Col. 10, lines 40-55).

4. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaels et al. in view of Blank et al. US 5,708,410.

Regarding Claim 5, Michaels et al. teach the system in Claim 1, according to the appropriate paragraph above. Michaels et al. also teach the system in a rearview mirror assembly (see Col. 3, lines 26-29). Michaels et al. do not teach a ball for attachment of a rearview mirror assembly. Blank et al. teach (see Fig. 3B and 4A) a rearview mirror assembly with a ball for attachment (see Col. 6, lines 34-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ball for attachment of a rearview mirror assembly as taught by Blank et al. in the system of Michaels et al., to provide simple and effective attachment of the rearview mirror assembly to the vehicle.

Regarding Claim 23, Michaels et al. teach the system in Claim 20, according to the appropriate paragraph above. Michaels et al. do not teach at least one additional device selected from the group comprising: an electro-optic mirror element; an ambient light sensor; a glare light sensor; an information display; an indicator; a microphone; a compass; an operator interface; a temperature indicator; a Bluetooth interface; a wireless transceiver; a vehicle bus interface; a passenger side restraint status display and an electro-optic mirror element control. Blank et al. teach (see Fig. 3A) a similar system with a compass (62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a compass as taught by Blank et al. in the system of Michaels et al., to provide additional functionality in the rearview mirror system for user convenience.

(10) Response to Argument

With respect to Claim 1, Appellant argues that:

"the alignment pin 46 (which the Examiner refers to as an 'attachment member') of Michaels et al. is not an equivalent structure to the attachment member recited in the claims of the present application..."

"the alignment pins of Michaels et al. are for positioning only the lens as discussed in column 5, lines 9-14; the alignment pins of Michaels et al. have no effect what so ever on positioning of the detector..."

"There is no teaching within Michaels et al. regarding manipulation of an associated optical axis, let alone teach a structure that would accomplish such a manipulation. In that the lens (32) of Michaels et al. remains stationary irrespective of the position of the adjustmenet screw (58) there is no way to manipulate an optical axis"

(Page 9, 1st paragraph of Appellant's Appeal Brief).

Examiner asserts that the Appellant's claim language does not recite any limitation regarding the manipulation of the image sensor optical axis, but merely recites securing the imager board with respect to the image sensor optical axis. Since the desired image sensor optical axis of Michaels is the horizontal axis (the optical axis of the lens 32), the imager board 24/34 is secured and aligned with that optical axis by the carrier/baffle 48 (since the carrier/baffle maintains and secures the angular alignment of the imager board precisely at a vertical position, thereby providing the optical axis as the horizontal axis, and only permitting the vertical translation of the imager board, as seen in Fig. 4 and Col. 5, line 62 to Col. 6, line 3). Thus, Michaels et al. anticipates the claimed system of Claim 1.

With respect to Claim 20, Appellant presents similar arguments to Claim 1 regarding alleged deficiencies of the Michaels et al. references. By the same assertions

recited by Examiner with respect to Claim 1, Examiner contends that Michaels et al. similarly anticipates the claimed system of Claim 20.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SY


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